



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1883

Introduced 2/25/2005, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

705 ILCS 205/1

from Ch. 13, par. 1

Amends the Attorney Act. Provides that no entity shall receive any compensation directly or indirectly for any legal services other than a regular licensed attorney. Provides that an unlicensed person or entity may not advertise or hold himself, herself, or itself out to provide legal services or own, conduct, or maintain a facility to provide legal services. Provides that a person or entity advertising or holding himself, herself, or itself out to provide legal services is guilty of contempt of court.

LRB094 10826 LCB 41321 b

1 AN ACT concerning attorneys.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Attorney Act is amended by changing Section
5 1 as follows:

6 (705 ILCS 205/1) (from Ch. 13, par. 1)

7 Sec. 1. No person shall be permitted to practice as an
8 attorney or counselor at law within this State without having
9 previously obtained a license for that purpose from the Supreme
10 Court of this State.

11 No person or entity shall receive any compensation directly
12 or indirectly for any legal services other than a regularly
13 licensed attorney, nor may an unlicensed person or entity
14 advertise or hold himself, herself, or itself out to provide
15 legal services or own, conduct, or maintain a facility to
16 provide legal services.

17 A license, as provided for herein, constitutes the person
18 receiving the same an attorney and counselor at law, according
19 to the law and customs thereof, for and during his good
20 behavior in the practice and authorizes him to demand and
21 receive fees for any services which he may render as an
22 attorney and counselor at law in this State. No person shall be
23 granted a license or renewal authorized by this Act who has
24 defaulted on an educational loan guaranteed by the Illinois
25 Student Assistance Commission; however, a license or renewal
26 may be issued to the aforementioned persons who have
27 established a satisfactory repayment record as determined by
28 the Illinois Student Assistance Commission. No person shall be
29 granted a license or renewal authorized by this Act who is more
30 than 30 days delinquent in complying with a child support
31 order; a license or renewal may be issued, however, if the
32 person has established a satisfactory repayment record as

1 determined (i) by the Illinois Department of Public Aid for
2 cases being enforced under Article X of the Illinois Public Aid
3 Code or (ii) in all other cases by order of court or by written
4 agreement between the custodial parent and non-custodial
5 parent. No person shall be refused a license under this Act on
6 account of sex.

7 Any person or entity practicing, charging or receiving fees
8 for legal services or advertising or holding himself, herself,
9 or itself out to provide legal services within this State,
10 either directly or indirectly, without being licensed to
11 practice as herein required, is guilty of contempt of court and
12 shall be punished accordingly, upon complaint being filed in
13 any Circuit Court of this State. Such proceedings shall be
14 conducted in the Courts of the respective counties where the
15 alleged contempt has been committed in the same manner as in
16 cases of indirect contempt and with the right of review by the
17 parties thereto.

18 The provisions of this Act shall be in addition to other
19 remedies permitted by law and shall not be construed to deprive
20 courts of this State of their inherent right to punish for
21 contempt or to restrain the unauthorized practice of law.

22 Nothing in this Act shall be construed to prohibit
23 representation of a party by a person who is not an attorney in
24 a proceeding before either panel of the Illinois Labor
25 Relations Board under the Illinois Public Labor Relations Act,
26 as now or hereafter amended, the Illinois Educational Labor
27 Relations Board under the Illinois Educational Labor Relations
28 Act, as now or hereafter amended, the State Civil Service
29 Commission, the local Civil Service Commissions, or the
30 University Civil Service Merit Board, to the extent allowed
31 pursuant to rules and regulations promulgated by those Boards
32 and Commissions.

33 (Source: P.A. 91-798, eff. 7-9-00.)